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No. C 06-06268 CW (PR)

ORDER DENYING PLAINTIFF'S REQUEST
FOR APPOINTMENT OF COUNSEL;
DIRECTING CLERK OF THE COURT TO
PROVIDE A COPY OF THIS ORDER TO
MAGISTRATE JUDGE VADAS

DIRECTING CLERK OF THE COURT TO
PROVIDE A COPY OF THIS ORDER TO
MAGISTRATE JUDGE VADAS

MAGISTRATE JUDGE VADAS

(Docket no. 172)

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1 loses the litigation. See Lassiter v. Dep't of Soc. Servs., 452
2 U.S. 18, 25 (1981); Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir.
3 1997) (no constitutional right to counsel in § 1983 action),
4 withdrawn in part on other grounds on reh'g en banc, 154 F.3d 952
5 (9th Cir. 1998) (en banc). The court, however, may ask counsel to
6 represent an indigent litigant under 28 U.S.C. § 1915 in
7 "exceptional circumstances," the determination of which requires an
8 evaluation of both (1) the likelihood of success on the merits, and
9 (2) the ability of the plaintiff to articulate his claims pro se in
10 light of the complexity of the legal issues involved. See Rand,
11 113 F.3d at 1525. Both of these factors must be viewed together
12 before reaching a decision on a request for counsel under § 1915.
13 See id.

14 The Court finds that exceptional circumstances entitling
15 Plaintiff to court appointed counsel do not exist at this time.
16 The likelihood of Plaintiff's success on the merits cannot be
17 ascertained at this stage of the proceedings, and he has
18 articulated his claims more than adequately. Accordingly, the
19 request for appointment of counsel is DENIED without prejudice.
20 Plaintiff shall keep Magistrate Judge Vadas and Defendants' counsel
21 apprised of any ongoing scheduling concerns.

22 The Clerk of the Court shall provide a copy of this Order to
23 Magistrate Judge Vadas.

24 This Order terminates Docket no. 172.

25 IT IS SO ORDERED.

26 Dated: 5/24/2012

27 
CLAUDIA WILKEN
28 UNITED STATES DISTRICT JUDGE